

Office Action Response
U.S.S.N. 09/410,129
Page 8

REMARKS

Claims 1-10 and 17-20 were pending herein. These claims have been canceled without prejudice and replaced by new claims 21-28. Examination and allowance of these new claims, particularly in view of the comments made below regarding the cited prior art, is respectfully requested.

Applicant notes that the Examiner has objected to the substitute drawings because the banding devices originally referred to by numerals 74, 86 in Figures 7B and 8B are shown as ties with sockets in the original informal drawings, not as smooth bands as shown in the substitute drawings.

The replacement drawings reflect the language of the specification, which states at page 4 that the "banding material preferably used in this invention is a small Nylon loop." Thus, Applicant submits that since the substitute drawings accurately reflect the description of the banding device as taught in the specification, the drawings should be accepted. Reconsideration and withdrawal of this objection to the drawings is respectfully requested.

In the alternative, Applicant proposes amending Figures 7B and 8B by removing number indicators 74 and 86, respectively, as seen in attached Replacement Sheets 2 and 3 and also showing the alternative banding device, as seen in Figures 7C and 8C in the attached Replacement Sheet 4.

Applicant further notes that the substitute drawings are objected to in that they fail to illustrate the toothed strap and toothed socket clasp along with the toothed socket clasp on the inside of the coil, as recited in Claims 7 and 8. In view of this objection, Applicant offers the proposed drawings in attached Replacement Sheet 1. These proposed Figures, now Figs. 1A - 1E, are taken

Document No. 87323

Office Action Response
U.S.S.N. 09/410,129
Page 9

from U.S. Design Patent No. 347,156, which is incorporated by reference at Page 5 of the specification as filed.

Applicant also notes that the drawings are objected to as failing to comply with 37 CFR §1.84(p)(5) because they include the following reference sign(s) not mentioned in the description:

10, 48, 50, 60, 70, 72, 74, 80, 82, 84, and 86.

The specification has been amended to include these reference signs in the appropriate portions of the description. No new matter has been introduced by virtue of the amendments made to the specification or drawings.

Claim 19 is rejected under 35 U.S.C. §102(b) as being clearly anticipated by Bingold (US 5,159,728). In view of the cancellation of this claim, this rejection is now moot. However, as potentially applied to the new claims, Applicant offers the following remarks in rebuttal of any claim of anticipation by Bingold:

Bingold teaches a "double cuff" which includes a loose "colling" of the straps for storage purposes (col. 9, lines 39-51):

Document No. 87323

Office Action Response
U.S.S.N. 09/410,129
Page 10

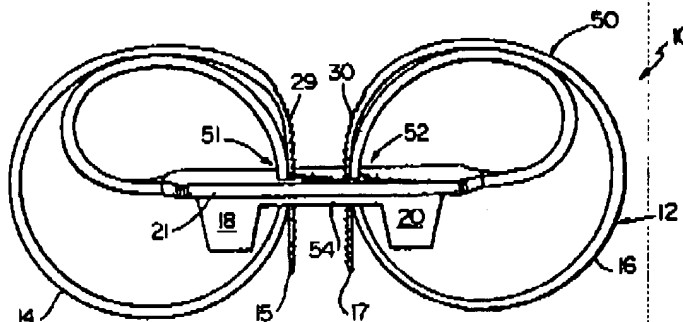


FIG. 1

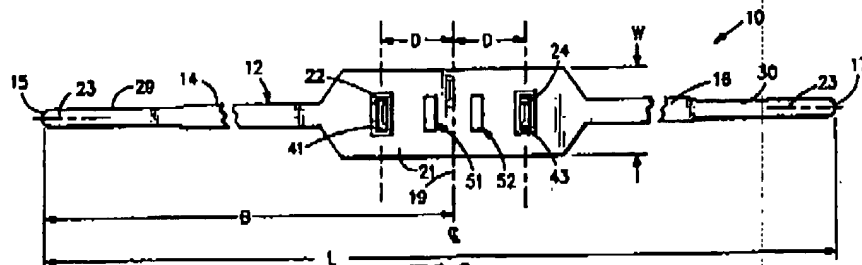


FIG. 2

As illustrated in Figures 1 and 2, Bingold can make a "coil" of no more than two concentric loops on each side of his device (the so-called "four loop configuration") - due to the structural limitations of the device. Once the strap has been passed completely and then partly through slots 51 and 52, there is simply no more room for additional passes to meet the required 3-concentric loop limitation of new claims 25-28. This "loose" coiling is completely different from and does not teach or suggest the presently claimed "tight" coil configuration.

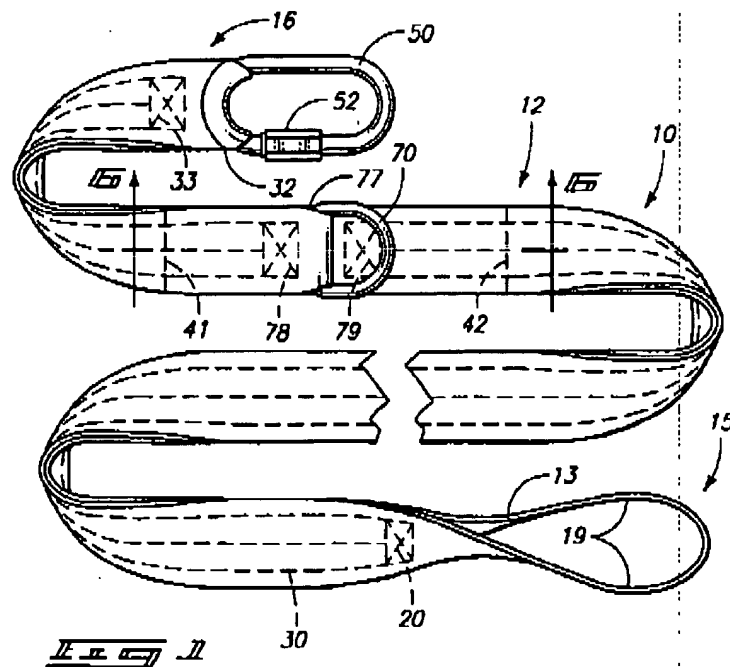
Accordingly, Bingold neither anticipates nor makes obvious these new

Office Action Response
U.S.S.N. 09/410,129
Page 11

claims, and it is respectfully submitted that no such rejection should be made citing this patent.

Claims 1-8, 18 and 20 are rejected under 35 U.S.C. §103(a) as being unpatentable over Peden (US 5,469,813) in view of Arthur (US 1,797,539) and Geisinger (US 5,193,254). In view of the cancellation of these claims, this rejection is now moot. However, as potentially applied to the new claims, Applicant offers the following remarks in rebuttal of any claim of obviousness over this cited prior art:

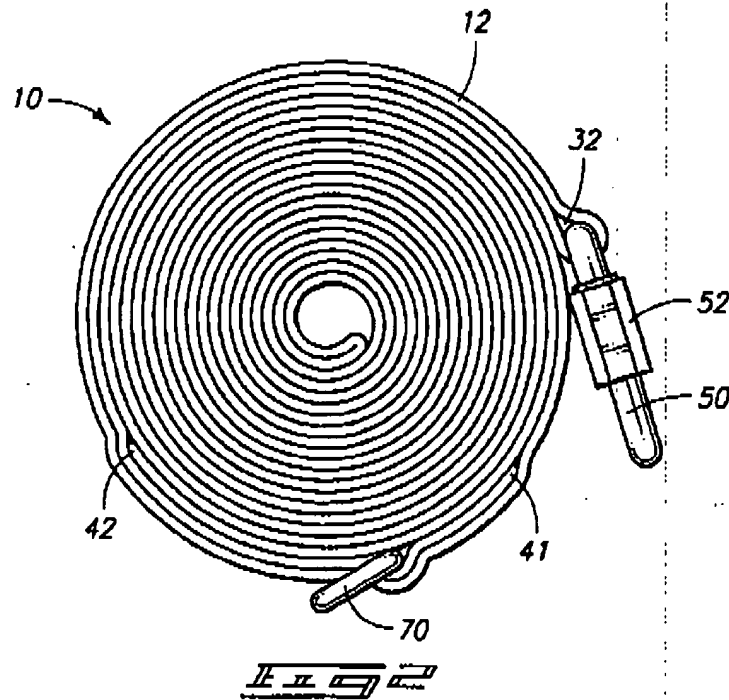
Peden is cited as a primary reference to show that it is desirable to coil prisoner restraints so that they can be stored more easily. Applicant respectfully disagrees with this overly broad characterization of the teachings of this patent. Peden teaches a flexible restraint as shown below in Figure 1:



Document No. 87323

Office Action Response
U.S.S.N. 09/410,129
Page 12

As shown in Figure 2, Peden merely teaches that a **flexible strap** restraint can be coiled for storage purposes. Such restraints would otherwise be likely to tangle or form knots if not stored properly.



This is clearly not the case for rigid restraint such as disposable handcuffs made out of plastic or Nylon. Rigid materials will not form knots, and more importantly cannot be easily coiled for storage.

Given that the new claims are all limited to rigid materials forming the strap of the restraint, the teachings of Peden become meaningless. The clear ability to coil a flexible restraint neither teaches nor suggests the ability to coil a rigid restraint. All that Peden suggests is that it might be "obvious to try" to coil the rigid restraint devices - but there is clearly no suggestion that such an

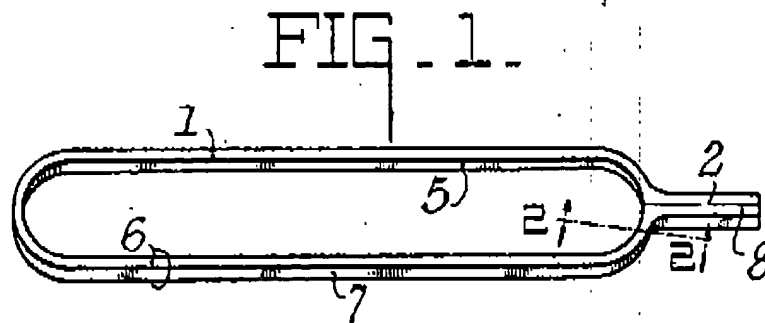
Document No. 87323

Office Action Response
U.S.S.N. 09/410,129
Page 13

effort could or would be successful.

Applicant submits that the teachings of Peden, either considered alone or in combination with any of the other art cited, simply fails to make obvious the new claims, and it is respectfully submitted that no such rejection should be made.

Applicant appreciates the citation of Arthur as teaching the use of a rubber band to hold coiled film together and maintain it from unwinding while the film is being stored. Arthur's teaching is an example of the well known use of banding devices to keep coiled material from unwinding when stored.



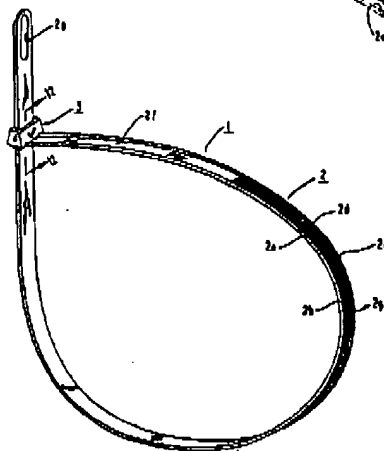
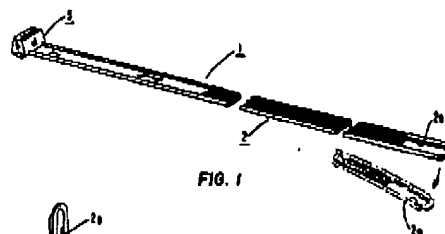
However, the mere fact that coils are often held in place by a band (as taught by Arthur) does not teach or suggest the presently claimed invention. The proposed combination of Peden and Arthur would match the flexible coil restraint of Peden with a large rubber band as taught by Arthur. That would work - as the flexible material coiled by Peden has no desire to uncoil. The rubber band would hold just fine. On the other hand, in the present invention a stiff, rigid material is coiled - and it wants to uncoil - at least during the coiling process - so a strong banding material is used to hold the coiled product together. Arthur simply does not teach or describe any such banding material.

Document No. 87323

Office Action Response
U.S.S.N. 09/410,129
Page 14

Accordingly, Applicant submits that no obviousness rejection should be made against the new claims based upon the teachings of Peden and Arthur.

Geisinger is cited as showing a substantially flat toothed flexible strap used as handcuffs or as leg restraints.



Applicant admits that the Geisinger single cuff could be coiled as taught in the present specification and held in the coiled manner by a banding device. However, it is only the present specification that teaches any such "improvement" of the Geisinger device – not the cited art.

According to the Examiner it would have been obvious to modify the prisoner restraint of Peden by eliminating the leg restraint portion and by changing the flexible strapping to a rigid material such as that taught by Geisinger – because it is well known to utilize handcuffs alone to restrain a

Document No. 87323

Office Action Response
U.S.S.N. 09/410,129
Page 15

prisoner while permitting the prisoner to walk. Applicant respectfully disagrees. The proposed modifications of Peden suggested by the Examiner are simply too radical to be rational. These two types of restraints (Peden and Geisinger) are not equivalent and are used for different purposes. The fact that Peden's flexible restraint could be coiled neither teaches nor suggests that the Geisinger disposable single cuff device could or should be coiled.

Accordingly, Applicant submits that no obviousness rejection should be made against the new claims based upon the teachings of Peden and Geisinger.

Claims 1, 2, 9, 10, and 20 are rejected under 35 U.S.C. §103(a) as being unpatentable over Bingold (US 5,159,728) in view of Arthur (US 1,797,539). In view of the cancellation of these claims, this rejection is now moot. However, as potentially applied to the new claims, Applicant offers the following remarks in rebuttal of any claim of obviousness over this cited prior art:

Bingold has been distinguished above. There is simply no teaching or suggestion in this patent regarding the 3-concentric loop limitation that is in the new claims. As illustrated in Figures 1 and 2, Bingold can make a "coil" of no more than two concentric loops on each side of his device (the so-called "four loop configuration") - due to the structural limitations of the device.

Likewise, Arthur has been distinguished above. This patent simply provides no teaching, suggestion or motivation to use a banding material having the ability to keep a stiff, rigid material in a coiled formation.

Accordingly, Applicant submits that no obviousness rejection should be made against the new claims based upon the combined teachings of Bingold and Arthur.

Document No. 87323

Office Action Response
U.S.S.N. 09/410,129
Page 16

Claim 17 is rejected under 35 U.S.C. §103(a) as being unpatentable over Peden (US 5,469,813) in view of Geisinger (US 5,193,254). In view of the cancellation of these claims, this rejection is now moot. However, as potentially applied to the new claims, Applicant offers the following remarks in rebuttal of any claim of obviousness over this cited prior art:

Peden and Geisinger have been distinguished above. Accordingly, Applicant submits that no obviousness rejection should be made against the new claims based upon the combined teachings of Peden and Geisinger.

FEE AUTHORIZATION

Please charge all fees (i.e., time extension fees and/or excess claim fees) due in connection with this filing to our Deposit Account – No. 19-0733.

CERTIFICATE OF FACSIMILE TRANSMISSION

The undersigned hereby certifies that this correspondence was submitted by facsimile in the USPTO on the date shown on Page 1.

REMAINDER OF PAGE INTENTIONALLY BLANK

Document No. 87323